

to expand its own territory at the expense of our allies and friends in the Pacific.

I am glad to see the U.S. Navy challenge the phony claims of China in the South China Sea that jeopardize those important sea lanes that are so critical to our security and to our commerce.

So this deal, as flawed as it is, finally provides the military and our military families with the resources they need in order to do the incredibly important job we ask them to do. If you think about all the areas that the Federal Government is involved in, this is the No. 1 priority. There is no “Yellow Pages” where you can look to outsource national security. It is the Federal Government’s responsibility, and it is about time we provided our men and women in uniform with the resources they need in order to get the job done.

In conclusion, this bill actually takes significant steps in reforming, in a fiscally responsible manner, our Social Security disability system. It will provide long-term savings from changes to Social Security. In fact, this will represent the first bipartisan reform we have had since the early 1980s.

I look forward to continuing to discuss this legislation with our colleagues and finding a way to move forward as we face the big challenges still ahead of us in the Senate. The only alternative to this negotiated deal would be a clean debt ceiling increase and a continuing resolution at current spending levels, which would have a devastating impact on our military and our national security.

#### EXTENSION OF MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that morning business be extended until 8 p.m., with Senators permitted to speak therein and with the time equally divided in the usual form; further, that all time during quorum calls be charged equally between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### EXPORT-IMPORT BANK

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of reauthorizing the Ex-Im Bank. I know some of my colleagues were here earlier, and I wanted to join them, but I was at a hearing over in commerce. I do want to thank Senators CANTWELL and KIRK for their leadership on this issue. I also want to thank my colleagues, Senators HEITKAMP, SHAHEEN, MIKULSKI, and BOXER, who were on the floor today voicing their strong and continued support for the Ex-Im Bank.

Yesterday, the House voted 313 to 118 to reauthorize the Export-Import

Bank. That is a strong bipartisan vote that included a majority of Republicans. It included seven of the eight Members of the congressional delegation from the State of Minnesota, including several Republicans.

The Ex-Im Bank also has bipartisan support here in the Senate, which has voted twice this year to reauthorize the Ex-Im Bank, both times with more than 60 votes. Now it is time for the Senate to take up this bill and vote to reauthorize the Ex-Im Bank with no further delay. This year, the Senate has been in the lead on this. We have shown the kind of bipartisan support that helped the House to get the numbers they needed, and now we must simply pass the bill.

The Ex-Im Bank has been reauthorized 16 times in its 81-year history, every time with a broad bipartisan majority. As yesterday’s House vote and previous votes in the Senate show, the Ex-Im Bank still has the support of a broad bipartisan majority.

Since coming to the Senate, I have been working to boost America’s ability to compete in the global economy. I serve on the President’s Export Council. I believe America needs to be a country that once again thinks, invents things, and exports to the world. We like our financial industry—we have the sixth biggest bank in the country out of Minnesota—but we all know we can’t simply rely on the financial industry to keep the economy going. The economy has to be a bread-and-butter economy, and that means making things, and that means exports.

When 95 percent of the world’s customers live outside of our borders, there is literally a world of opportunity out there for U.S. businesses. U.S. exports have helped expand our economy over the past 4 years, reaching an alltime high of \$2.3 trillion, an increase of 34 percent since 2009 after inflation.

We know there are about 85 credit export agencies in 60 other countries, including every exporting country in the world. Our businesses are competing against these foreign businesses, which are backed by their own countries’ credit export programs and often receive other government subsidies. Why would we want to make it harder for our own companies to compete in a world where all the other exporting nations have an export-type bank financing authority? When our companies are competing against overseas companies for contracts, they need the Ex-Im Bank.

In 2014, the Ex-Im Bank provided support for \$27 billion worth of U.S. exports. This sounds like a lot, but in the same year China financed more than double that amount—\$58 billion compared to \$27 billion—and South Korea and Germany also provided more support for their exports. If we don’t get this done, Mr. President, China will eat our lunch.

If we want a level playing field for our businesses, we need to have the

U.S. Ex-Im Bank open and running. Do you know what our companies find out right now? Well, the charter has lapsed. When these U.S. companies or our foreign competitors go to the Ex-Im Bank Web site, do you know what they see on the Web site? I will tell you. I went to the Web site and saw it myself. It says this: “Due to a lapse in EXIM Bank’s authority, as of July 1, 2015, the Bank is unable to process applications or engage in new business or other prohibited activities.” Every one of our foreign competitors knows this is up on our own U.S. Web site.

To me, this is about jobs. As the ranking member of the Joint Economic Committee, I know that in 2014 the Ex-Im Bank provided \$20.5 billion in financing. That supported 164,000 jobs. I know there are hundreds of companies in Minnesota—I think the exact number is 170—that use financing authority. The vast majority of them are small companies. These small business owners, like many small business owners all across the country, know it is essential for their ability to export. They can’t have a full-time bank person in their small companies. They can’t have a full-time expert on trade with various countries—Kazakhstan, you name it—all around the world. They need the help of the Ex-Im Bank to know how to get this financing.

I visit all 87 counties in my State every year, and a lot of that time is spent visiting these small businesses. Even when I don’t mean to find an Ex-Im-type business, I find one. I heard from Fastenal and Miller Ingenuity, both from Winona. I have heard from EJ Ajax Metalforming, a leader in workforce policies. So everywhere from Fastenal to PERMAC, an award-winning women-run manufacturer in Burnsville, I have found that Minnesota businesses get help from Ex-Im Bank.

The time is here. We can’t put it off any longer. Our colleagues in the House, despite the fact that they didn’t even know if they had a Speaker for a number of weeks, were able to pass this bill. Now it is our turn. Let’s get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### PUBLIC EXPRESSIONS OF FAITH

Mr. LANKFORD. Mr. President, it is just past the middle of football season in America—a sad thing for a lot of us who are football fans. This is the time when some fans are thinking seriously about the playoffs and other fans start thinking seriously about trying to get their coach fired.

In Bremerton, WA, coach Joe Kennedy is in trouble not because the team has a losing record but because he has the audacity to kneel down and pray on the 50-yard line after the football games are over and thank God for the chance to coach there and for the safety of his players.

Gratitude to God is certainly not a crime in America. In fact, that is encouraged every year in the national prayer proclamation given by every President for decades, including this one. Coach Joe Kennedy is the varsity assistant coach and the JV head coach in Bremerton, WA. He enjoys working with the guys and coaching football. He has an excellent employment record at the school and has been a great motivator of the guys on his team.

Since 2008, Coach Kennedy has had the habit of walking out to the 50-yard line after the game is over and kneeling down to pray. After a few weeks of his starting to do this in 2008, a couple of the Christian students on the team also asked if they could come and kneel down next to him, which they have done and he has allowed them to do. They are not required to pray. They are not required to be there at all. But those students have the freedom they have exercised to express their faith, and so does Coach Kennedy.

For some reason, this season has been different. Now the district has asked the coach not to pray after the games. Instead, they want to provide him with a private room where he can go and pray separately so no one will see him. I have a letter from the district where they say they will give him this accommodation: “[A] private location within the school building, athletic facility or press box could be made available to you for brief religious exercise before and after games.” They literally want him to go into another spot so no one will see him pray. That seems to be the accommodation here. They are saying to him that he has the freedom to pray in a location we choose.

The district has the fear that if anyone sees the coach praying, they may think the coach endorses or that the district endorses a particular faith. They wrote in a separate letter to the coach these criteria to say: As we go forward, these are the standards to apply. Quoting from the district:

Students are free to initiate and engage in religious activity, including prayer, so long as it does not interfere with the school or team activities. Student religious activity must be entirely and genuinely student-initiated, and may not be suggested, encouraged (or discouraged), or supervised by District staff.

Second, and continuing to quote:

If students engage in religious activity, school staff may not take any action likely to be perceived by a reasonable observer, who is aware of the history and context of such activity at BHS, as endorsement of that activity. Examples identified in the Borden case include kneeling or bowing of the head during the students’ religious activities.

You and all District staff are free to engage in religious activity, including prayer, so long as it does not interfere with job responsibilities. Such activity must be physically separate from any student activity, and students may not be allowed to join such activity. In order to avoid the perception of endorsement discussed above, such activity should either be non-demonstrative—

In other words, you can’t see it outwardly—

(i.e. not outwardly discernible as religious activity) if students are also engaged in religious conduct, or it should occur while students are not engaging in such conduct.

In other words, don’t get near a Christian student when they are praying and bowing their head and also bow your head.

It is an odd thing that the district would worry that their actions would be perceived that they may have an official policy for Christianity, but they don’t seem to have the same worry that their actions to try to eliminate anyone expressing their faith would be an official policy of atheism at the campus, since if they purged all displays of faith from any person, it would appear that no faith is the endorsed faith of the district.

Under this policy, if a teacher who is a Christian sees another Christian student praying, they have to get away from them or at least walk past them as if they are disinterested. I don’t think people understand how offensive that is to our faith. If I see a student praying, I would want to stand by them to hear their prayer, to be encouraged by their prayer.

Under this policy, if a Christian student had been bullied at school and they wanted to sit by a Christian teacher at lunch, when that student at lunch bowed their head to pray over their low-calorie lunch meal, at their school lunch, the Christian teacher would either have to walk away or they would have to ignore their prayer, further ostracizing the student.

Citizens don’t lose their freedom of faith just because they also work for a State or Federal agency. People can display their faith—as this coach did for 7 years, and it had not been a problem for this coach to kneel down and pray at the end of the game. I am confused why suddenly now the district is concerned about this display of faith.

Individuals can display their faith personally. It is their personal faith. It is not some endorsement by the district. A Wiccan teacher can wear a pentagram necklace. A Muslim teacher can wear a head scarf. A Christian can bow their head to pray at lunch, even a faculty member. A Sikh teacher can wear a turban. All of those are outward displays of a certain faith. How can a school district say that if you display your faith in a way that someone else can see it and figure out that you have faith, suddenly that is a violation of the establishment clause of the Constitution?

Courts have ruled that in a school setting, prayer cannot be mandatory in the school, compelled by the school, led by the school. While some have a problem with this interpretation, frankly, I don’t. I, quite frankly, think teachers have multiple different faiths and multiple backgrounds, and I have the responsibility as a parent to train my child how to pray consistent with our faith. That is not the responsibility of that teacher at school to be able to teach them their faith. That is my job.

I do have a problem when an individual teacher is restrained from practicing their own faith or an individual student is restricted from that. It is entirely different when a district states that a coach may not quietly pray or allow students to voluntarily participate with a coach in prayer when they share the same faith. After a game is over and all the players are free to leave, that is their own free time. They can go to the locker room, they can talk to their parents, and they can flirt with the cheerleaders on the sidelines. That is their own time. They can choose to do what they want to do, but they shouldn’t be restricted from praying if they also choose to do that.

The Bremerton School District attorneys have chosen to apply the *Borden v. School District of the Township of East Brunswick* to this particular case. In that case, the coaches couldn’t lead a prayer or participate if all the players were required to be present before the game. This is a required team meeting in the Borden School District of the Township of East Brunswick. This is completely different. This is after the game, when no player is required, no one is expected to be there, and those students and those coaches are on a brief period of respite after the game.

For some reason, in this day and age, some citizens have become terrified of faith in America and prayer in America. They are frightened when people exercise their faith and live according to their sincerely held religious beliefs. So they try to quash it quietly. That is astounding to me—as a nation that was based on this basic principle of people being able to live their faith, not just to have it but to be able to live it.

If a coach went to the 50-yard line after the game, sat down on a lawn chair and drank a Coke, no one would have a problem. If a coach went to the 50-yard line and sang Michael Jackson’s “Thriller” and did the dance moves, he would be a YouTube sensation, but the district would have no problem with it. But if a coach goes to the 50-yard line, kneels down and prays, somehow that is a different type of speech or action. It is not. It is speech. It is the freedom of faith. It is who we are as Americans and our diversity in America. There is nothing different about that speech.

The establishment clause in the Constitution is clear: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .”

This is not the freedom to have a religion. This is the freedom to exercise it. It is very clear in the Constitution.

For some in this generation, they want to talk about freedom of worship. You can worship and you can go to a place of worship, you can worship with anybody, any way you want to, if you go over there and do it, but they don’t want people to actually come out and live their faith publicly.

We don't have freedom of worship in America. China has freedom of worship. We have the free exercise of religion, where we can live our faith outside of our church buildings, in our private lives, even if you are a public individual.

It is reasonable for this Congress to speak out on this issue because it is a First Amendment freedom. Protecting one coach's right to pray protects every person's right to pray in the Nation.

So let me ask a question. Is the district going to engage in stopping coaches from kneeling down on the sideline during the fourth quarter in a last-second field goal attempt and prevent them from praying on the sidelines? That is a rich tradition in football.

How about this moment. Last Saturday at Oklahoma State University, we had an incredible tragedy where a car careened through the homecoming parade, killing many and injuring many more. It was a horrible tragedy. It happened just hours before the game. Players and coaches at Oklahoma State University walked out of the tunnel, and before the game started—when typically they would all gather and cheer together—they instead chose, players and coaches, to kneel down on the sideline and to pray for the families who were affected by this incredible tragedy just hours before. This apparently offends some people, that people in a State setting would express their private faith. Nothing was mandated about this. This was a group of players and coaches, that their heart was grieved for what was happening in their city and among the Oklahoma State family. This shouldn't be prohibited in America. This is who we are.

I don't challenge the people in Bremerton. These are all honorable people who want what is best for Bremerton, WA, families. They all care about their kids there. The superintendent, the principal, the coaches, they all care about the kids there. This is a genuine misunderstanding of what our Nation protects and what our Nation stands for.

Article 6, clause 3 of the Constitution says this: "No religious test shall ever be required as a qualification to any office or public trust under the United States."

In our Constitution, any individual who serves in any public trust in the United States doesn't have to set their faith aside nor have to take on any faith. In America, you can have a faith and live it or you can have no faith at all. That is the United States of America.

Every day in this Chamber, including today, the Chaplain for the U.S. Senate begins our session in prayer. In this Chamber, the words "In God We Trust" are written right above the main doors as we walk in, the same as it is in the House Chamber above the Speaker's chair. We are not a nation that is trying to purge all faith. We are a nation that allows people to live their faith.

I ask individuals in this Chamber right now who choose to, to even pray with me as I close out this statement.

Father, I pray for Coach Kennedy and the leadership of Bremerton, the superintendents, and the principals. They have a difficult job, and I pray that You would bless them today. And I pray that You encourage those students, as they struggle with this basic religious freedom that we have in this Nation, that there would be a unity there and a decision that would be made that would clearly stand on the side of freedom. For the coaches and teachers of all faiths who serve there and serve across our Nation, I pray that You would bless those coaches and teachers today. They do a difficult task. As they walk with students through difficult decisions, I pray that You would encourage them in Your faith.

Thank You, Jesus, for the way that You sustain our Nation and for the freedom that we have. We ask Your help in protecting us.

In Your Name I pray. Amen.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUESTS— S. 2165 AND S. 697

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, S. 2165, a bill to permanently authorize the Land and Water Conservation Fund; that the bill be read a third time and passed and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, reserving the right to object, I would like to ask that the consent be modified to pass a short-term extension, S. 2169, with my amendment, which is at the desk.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. MERKLEY. Mr. President, reserving the right to object, I will note that we secured this language an hour ago. We have no complete insight on the impact of the language, and this is language more appropriately debated in the committee process. I wish to ask my colleague to consider introducing it for action on the floor at some future point and not use it to obstruct funding or authorization of the Land and Water Conservation Fund. If my colleague is not comfortable with such a suggestion, then I would object.

The PRESIDING OFFICER. The Senator declines to modify his request.

Is there objection to the original request?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, this first request was to get this bill done right now and reauthorized. I am going to turn to a different possibility, which is to secure a debate here on the floor which would afford my colleague from Oklahoma the opportunity to present his thoughts.

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, but no later than Thursday, November 12, the Senate proceed to the consideration of Calendar No. 270, S. 2165; that there be 1 hour of debate equally divided between the proponents and opponents; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage of the bill; that the vote on passage be subject to a 60-affirmative-vote threshold; and, finally, that there be no amendments, motions or points of order in order to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL. Mr. President, we have now seen a demonstration. I want to talk to Senator MERKLEY about this. I ask unanimous consent to engage in a colloquy with him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. UDALL. The Land and Water Conservation Fund is a piece of legislation that has been in place and in law for 50 years, as Senator MERKLEY knows. It has been in place for 50 years, and it has expired. There is overwhelming support for this. A number of us have signed letters. Senator BURR, who is here, I know has been a leader in terms of working on the Republican side. We have a huge amount of support, but a small little group is objecting to this moving forward.

I say to Senator MERKLEY, this is showing the dysfunction that here we have a bill and the leadership cannot get the bill on to the floor. I wanted to ask the Senator in terms of his State. I know in my State people love their parks. They love the Land and Water Conservation Fund. I think the same is true in Oregon; isn't it? This is something that we shouldn't have let lapse, and we have to put it in place.

Mr. MERKLEY. My colleague from New Mexico is absolutely correct. For these 50 years that he noted, the Land and Water Conservation Fund has protected millions of acres of our land, including playgrounds and parks, our most treasured national landscapes—